

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA**

HENRY KAMPHAUS, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

CASEY’S GENERAL STORES, INC. an Iowa
corporation,

Defendant.

CIVIL ACTION NO. 4:16-cv-58

**NOTICE OF VOLUNTARY
DISMISSAL**

PLEASE TAKE NOTICE that Plaintiff Henry Kamphaus (“Kamphaus” or “Plaintiff”) dismisses this lawsuit against Defendant Casey’s General Stores, Inc. (“Casey’s” or “Defendant”) without prejudice as to the named Plaintiff Kamphaus’ claims and without prejudice as to any unidentified class members’ claims.

1. Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) **Voluntary Dismissal.**

(1) *By the Plaintiff.*

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

- (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or
- (ii) a stipulation for dismissal signed by all parties who have appeared.

(B) *Effect*. Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

2. In this case, Defendant has neither answered Plaintiff's Complaint nor served a motion for summary judgment. In addition, as no class has been certified in this matter, Rule 23's exceptions do not apply. Likewise, this case does not involve any Receiver as to implicate Rule 66.

3. Accordingly, Plaintiff hereby dismisses these proceedings in accordance with Rule 41(a)(1) without prejudice. The claims of the unidentified putative class members, if any, are also dismissed without prejudice.

Dated: April 20, 2016

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**pro hac vice* admission to be filed